IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 2235 of 2007()

(C.R.No.9/2007 OF BALUSSERY EXCISE RANGE)

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PETITIONER/ACCUSED:

SUNNY, S/O.LUKKA, AGED 52 YEARS,
KUNNAMKUZHAKKAL, PATHIPPARA AMSOM DESOM,
KOZHIKODE.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. EXCISE INSPECTOR, EXCISE RANGE,
BALUSSERY, KOZHIKODE.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2235 OF 2007

Dated this the 13th day of April, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the accused in C.R. No.9/07 of Balussery Excise Range for an offence punishable under Sec.8(2) of the Abkari Act for having been found in possession of 3 liters of illicit arrack on 16.3.07, seeks his enlargement on bail. Petitioner surrendered before the trial court on 22.3.07.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioner and the other circumstances of the case etc., I am inclined to grant bail to the petitioner but only with effect from a future date. Accordingly, the petitioner is directed to be released on bail with effect from 23.4.2007 on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Perambra and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

c. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

d. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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